

Hamilton County Board of Zoning Appeals - South District

January 20, 2004

Mr. Crow called the official meeting of the Hamilton County Board of Zoning Appeals - South District to order at 8:36 p.m.

Members Present: Lee Anne Burrow, Chuck Crow, Jim Galloway, and David Musselman.
Also present: Randy Leerkamp, Legal Counsel; and Linda Burdett, Secretary.

Declaration of Quorum: Mr. Crow declared a quorum with four out of five members present.

Guests: See guest sheet.

Communications/Reports: None to present.

Approval of Minutes: Mr. Crow asked for approval of the minutes for the November 18, 2003 meeting.

Mrs. Burrow **made a motion** to approve the minutes.

Mr. Galloway seconded.

With no comments or corrections...Mr. Crow called for the vote. **4 yes votes...0 no votes.**

Election of Officers: Mr. Crow identified the position of Chairman for the South District.

Mrs. Burrow **made a motion** that Mr. Charles Crow stay as Chairman.

Mr. Musselman seconded.

With no other nominations being made...Mr. Crow called for the vote. **4 yes votes...0 no votes.**

Mr. Crow identified the position of Vice Chairman.

Mr. Galloway **moved to nominate** Lee Anne Burrow.

Mr. Musselman seconded.

With no other nominations being made... Mr. Crow called for the vote. **4 yes votes...0 no votes.**

Mr. Crow identified the position of secretary.

Mr. Galloway **nominated** Linda Burdett.

Mrs. Burrow seconded.

With no other nominations being made...Mr. Crow called for the vote. **4 yes votes...0 no votes.**

New Business: Mr. Crow continued the meeting with **SBZA-RV-0001-01-2004** a variance. The petitioners wants to subdivide an existing 14.4 acre parcel. If Mr. Woodward or Mr. Best or someone would like to step forward, state your name and address, and the reason for the variance.

Paul Woodward, of 9311 East 221st Street, Cicero, Indiana, stated his name and address for the record. We want to sell the house and approximately 2.2 acres of 14.4 acres.

Mr. Crow asked what the reason for the hardship was.

Mr. Woodward stated that the people wanting to buy it don't have the money to buy the 14.4 acres so we're selling the house and 2.2 acres. Then 10 years down the road they may have some money and they can buy the rest of the farm.

Mrs. Burrow asked if the intention was for the whole 14.4 acres to go to one person.

Mr. Woodward answered... yes. They would like that.

Mr. Crow stated that if a two acre parcel is taken out of the middle of the property it looks to me like there would be three parcels then.

Mr. Woodward stated that the property would be 300 ft. wide and 320 ft. the other way along Middletown Avenue. There will be some ground on either side of the house and south of the house that will connect the other 12.2 acres.

Mr. Galloway advised Mr. Woodward that the map the Board has looks like it goes clear to the south fence line.

Mr. Woodward stated that when they first drew it out on paper that is the way it was. We decided that that wasn't the best way to divide up the 2.2 acres. The woods back there would not be included.

Discussion followed regarding the required road frontage.

Mr. Crow stated he understood the economic hardship but he didn't understand the hardship that runs with the property.

Mr. Woodward stated there was no hardship other than his daughter and her future husband want to buy the house and 2 acres. They don't have the money to buy 14.4 acres right now. We have plenty of road frontage. We can make it be whatever it needs to be.

Chris Best stated his name for the record. I have been living out there for going on three years now. I have the money. I could probably go out and get a loan and buy everything I want to right
H.C.SBZA 01/20/2004

now. It's just that there are windows I got to put in, a new roof, and siding and everything. I would like to use my resources to fix the house up first and then once I get that part done then I want to get the remaining acres. Mr. Woodward is still going to farm the land and everything. We don't plan to subdivide it or anything like that.

Mr. Galloway stated that part of this issue is... I know that's your intention for you to own all that land some day but you can't say 10 years from now that you will definitely own that land.

With no further questions from the Board... Mr. Crow opened the hearing to the public at 8:55 p.m. and asked anyone wishing to speak for or against this petition to step forward and address the Board. And with no one from the public stepping forward to address the Board... Mr. Crow closed the public portion of the meeting at 8:55 p.m.

Mrs. Burrow **moved to approve** SBZA-RV-0001-01-2004.

Mr. Musselman seconded.

Discussion continued regarding road frontage and possible configurations of the land.

Leah stated her name for the record. The home has been there since 1800. We just need to fix up the house and then we'll probably buy it from dad in a year or two. We just can't put that much money into it right now because it needs new windows and doors, siding, and a roof.

Mr. Leerkamp advised the petitioners that if they split the property 10 acres and 4.4 acres they wouldn't need a variance if they had the 10 acres. The problem is that the 4 acre lot could not be built on by anyone. What Mrs. Burrow suggested seems to be the simplest route. To structure some sort of plan for purchasing the entire 14 acres now and then you wouldn't have to get a variance.

Mr. Crow suggested tabling this to allow the petitioners the chance to see if there was something else that would work for them. If we took a vote and denied your request you would have to wait a year to do another variance request.

Mr. Galloway stated that when we come back in a month if it's still a problem then we'll bring it back to the floor and take a vote on it.

Mr. Galloway **moved to table** this matter until the February meeting.

Mr. Musselman seconded.

With no further discussion... Mr. Crow called for the vote. **4 yes votes... 0 no votes.**

The meeting continued with **SBZA-RV-0002-01-2004** a variance to subdivide an existing 10 acre parcel of ground. If Mr. Arnold or his representative would step forward and state their request.

H.C.SBZA 01/20/2004

Mel Arnold, of 12167 East 181st Street, stated his name and address for the record. Our oldest son, Chad, would like to build on the property. I have two other children but I only have enough land for two lots. I would like to divide the 10 acre field into two 5 acre lots.

Mr. Crow asked how long the land had been in his family.

Mr. Arnold stated it was homesteaded in the late 1700's.

With nothing further from the Board... Mr. Crow opened the hearing to the public at 9:20 p.m. and asked anyone wishing to state their opinion either in favor of or against the variance request to step forward. And with no one stepping forward... Mr. Crow closed the public portion of the hearing at 9:20 p.m.

Mr. Galloway **moved to approve** the request as presented.

Mrs. Burrow seconded.

Mr. Galloway **amended his motion** to include the condition that it stays in the family to only go to the heirs of Mel and Colette Arnold.

Mr. Musselman seconded.

With no further discussion on the amendment... Mr. Crow called for the vote. **4 yes votes... 0 no votes.**

With no further discussion on the motion as amended... Mr. Crow called for the vote. **4 yes votes... 0 no votes.**

Old Business: Nothing to present.

Director's Report: Nothing to present.

Legal Counsel Report: Nothing to present.

The next BZA meeting will be Tuesday, February 17, 2004.

With nothing else to come before the Board...Mr. Crow **asked for a motion** to adjourned.

Mr. Galloway **so moved**.

Mrs. Burrow seconded.

Mr. Crow called for the vote. **4 yes votes... 0 no votes.** Meeting adjourned at 9:28 p.m.

H.C.SBZA 01/20/2004

Chuck Crow, Chairman

Date

Linda Burdett, Secretary

Date